

IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE

IN RE: )  
 )  
VISTA-PRO AUTOMOTIVE, LLC ) Case No: 314-09118-RM-7  
 ) Chapter 7  
 )  
Debtor ) Judge Mashburn

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**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: April 30, 2020.**  
**IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: May 19, 2020 at 9:00 a.m., in Courtroom One, 2<sup>nd</sup> Floor, Customs House, 701 Broadway, Nashville, Tennessee.**

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**NOTICE OF TRUSTEE'S MOTION FOR THIRD INTERIM DISTRIBUTION AND PAYMENT OF TRUSTEE COMPENSATION**

Jeanne Ann Burton, Trustee, has asked the court for the following relief: to authorize interim distribution to creditors and payment of trustee fees.

**YOUR RIGHTS MAY BE AFFECTED.** If you do not want the court to grant the attached motion, or if you want the court to consider your view on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. **PLEASE NOTE: THE BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE REQUIRES ELECTRONIC FILING. ANY RESPONSE OR OBJECTION YOU WISH TO FILE MUST BE SUBMITTED ELECTRONICALLY. TO FILE ELECTRONICALLY, YOU OR YOUR ATTORNEY MUST GO TO THE COURT WEBSITE AND FOLLOW THE INSTRUCTIONS AT: <<https://ecf.tnmb.uscourts.gov>>.**

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 A.M. - 4:00 P.M.).

2. **Your response should state the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.**

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by calling the Clerk's office at (615) 736-5584 or viewing the case on the Court's website at <<https://ecf.tnmb.uscourts.gov>>.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the original of the attached order granting that relief.

Dated: April 9, 2020

/s/Jeanne Ann Burton  
JEANNE ANN BURTON  
Jeanne Ann Burton, PLLC  
Attorney for Trustee  
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**TRUSTEE'S MOTION TO ALLOW THIRD INTERIM DISTRIBUTION  
AND PAYMENT OF TRUSTEE COMPENSATION**

Jeanne Ann Burton, Chapter 7 Trustee herein ("Trustee"), hereby moves this Court for entry of an order, substantially in the form submitted herewith, authorizing the Trustee to distribute funds in Trustee's possession to pay the Tennessee Department of Revenue an amount equal to 87% of its administrative claim and interim Trustee compensation.

The Trustee would state that Trustee has liquidated all of the assets of the estate and has collected funds from various defendants in numerous adversary proceedings and all that remains is collection of one default judgment against a defendant in New York which will be collected on a contingent fee basis. It could now be some time before that judgment is fully collected. Trustee does not want to close the case, but prefers to wait for collection of the judgment that would produce funds to pay toward the balance of administrative claims. However, it seems appropriate to distribute funds to the Tennessee Department of Revenue and the Trustee.

Under the first interim distribution(DE#588), the Trustee distributed \$686,992.76 which paid the then outstanding chapter 11 and 7 administrative claims (including interim Trustee's compensation in the amount of \$53,950.15) and the priority claims in full, and paid \$455,324.69 to general unsecured creditors. Under the second interim distribution(DE#633), the Trustee distributed \$1,427,042.82 that was distributed pro rata among the allowed general unsecured claims, and paid interim Trustee compensation in the amount of \$40,000.00. Unsecured creditors have been paid a total of \$1,842,367.51.

Orders were recently entered approving the administrative fees of William Robert Pope, Esq. (DE# 687) and Larry Williams, accountant (DE# 690). Trustee has paid 87% of the fees due to those professionals. The payments reduced the balance in the account from \$137,171.64 to \$98,498.40.

Accordingly, the administrative claim of the Tennessee Department of Revenue and the compensation due to the Trustee are the remaining administrative expenses left unpaid, other than the Trustee expenses. As stated in the prior fee motions, Thompson Burton, PLLC and Jeanne Ann Burton, PLLC have waived filing final motions for fees and expenses unless the estate collects sufficient assets to pay all of the remaining administrative expenses in full.

The administrative claim of the Tennessee Department of Revenue is \$58,996.09 (per order entered January 7, 2020(DE #682). The Trustee proposes to pay \$51,326.60 to the Tennessee Department of Revenue which is 87% of its claim.

The total receipts to date in the case are \$4,103,763.46. The total disbursements in the case are \$4,005,265.06. Upon making the proposed distribution to the Tennessee Department of Revenue, the total distributions would be \$4,056,591.66. The statutory Trustee compensation on that amount would be \$144,947.75. Trustee has already received interim compensation totaling \$93,950.15. (That sum is less than 80% of Trustee compensation based on the amount of previous distributions). Trustee proposes to pay \$22,008.05 as interim Trustee compensation, which will result in the Trustee receiving 80% of the statutory compensation ( $\$144,947.75 \times 80\% = \$115,958.20 - \$93,950.15 = \$22,008.05$ ).

The balance in the estate account after disbursements of \$4,005,265.06 is \$98,498.40. The total of the proposed interim distribution is \$73,334.65 which would leave a balance in the account of \$25,163.75.

WHEREFORE, THE TRUSTEE PRAYS for the entry of an order:

1. Authorizing the Trustee to distribute \$51,326.60 to the Tennessee Department of Revenue;
2. Allowing the Trustee interim compensation of \$22,008.05; and
3. For such other and further general relief as is just.

Respectfully Submitted,  
Jeanne Ann Burton, PLLC  
/s/ Jeanne Ann Burton  
Jeanne Ann Burton  
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Nashville, TN 37215  
615-678-6960  
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#### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was sent to the parties listed on the matrix attached to the original of this pleading on file with the Clerk of the Court via U.S. Mail, and served electronically on all parties requesting notice via the Court's ECF system, on April 9, 2020.

/s/ Jeanne Ann Burton

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**PROPOSED ORDER ALLOWING THIRD INTERIM DISTRIBUTION  
AND APPROVING INTERIM TRUSTEE COMPENSATION**

This matter is before the Court upon the motion of the Trustee for interim distribution and for interim Trustee compensation. Notice of the Trustee's motion having been served in accordance with Local Rule 9013, and no objections having been filed, and for other cause to the Court shown;

IT IS HEREBY ORDERED THAT the Trustee be, and is hereby authorized to make an interim distribution payment of \$51, 326.60 to the Tennessee Department of Revenue, and payment of an interim Trustee compensation of \$20,008.05.

IT IS FURTHER ORDERED that the Trustee shall be and hereby is authorized to disburse said monies from the assets of the estate.

This order was signed and entered electronically as indicated at the top of the first page.

Submitted for entry:

/s/ Jeanne Ann Burton  
Jeanne Ann Burton  
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BRAMPTON, ONTARIO CANADA,

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